

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

SCOTT R. KIMBALL,

Civil No. 09-6251-PK

Plaintiff,

O R D E R

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

Kathryn Tassinari
Robert A. Baron
Harder, Well, Baron & Manning, P.C.
474 Willamette, Suite 200
Eugene, Oregon 97401

Attorneys for Plaintiff

Dwight C. Holton
United States Attorney
District of Oregon

Adrian L. Brown
Assistant United States Attorney
United States Attorney's Office
1000 S.W. Third Avenue, Suite 600
Portland, Oregon 97204

Kathryn Ann Miller
Leisa A. Wolf
Social Security Administration
Office of General Counsel
701 5th Avenue, Suite 2900, M/S 901
Seattle, Washington 98104

Attorneys for Defendant

KING, Judge:

The Honorable Paul Papak, United States Magistrate Judge, filed Findings and Recommendation on September 15, 2010. The matter is before this court. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). No objections have been timely filed. This relieves me of my obligation to give the factual findings de novo review. Lorin Corp. v. Goto & Co., Ltd., 700 F.2nd 1202, 1206 (8th Cir. 1983); See also Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the legal principles de novo, I find no error.

Accordingly, I ADOPT Magistrate Judge Papak's Findings and Recommendation dated September 15, 2010 (#17) in its entirety.

IT IS HEREBY ORDERED that the decision of the Commissioner is REVERSED. This action is REMANDED to the Commissioner under sentence four of 42 § USC 405(g) for

rehearing. For the period from September 2004 forward, the Commissioner must begin with step two and complete the five-step process.

DATED this 13th day of October, 2010.

/s/ Garr M. King

GARR M. KING
United States District Judge